



Exh. B

U.S. Department of Justice

United States Marshals Service

District of South Dakota

Sioux Falls, SD 57104

April 15, 2021

Judge Kornmann,

I apologize for the delay in answering your March 25th memo concerning COVID-19 (C-19) vaccinations for the USMS and the CSO program. As you are aware, this pandemic has required all of us to navigate some uncharted territory. I have been seeking advice from our Office of General Counsel on the steps we should take to ensure the safety of our personnel, along with their rights/wishes, while still completing our mission to the courts. The USMS Judicial Security Division (JSD) and our Executive Leadership are working with the Administrative Office of the United States Courts to develop guidance with respect to C-19 vaccinations at the national level.

The C-19 vaccinations were approved by the FDA under an Emergency Use Authorization (EUA). The EUA allows the FDA to authorize unapproved medical products to be used in an emergency. Given the EUA status of the C-19 vaccination, the USMS is not requiring employees to be vaccinated, at this time. Aside from the emergency use status issue, there are additional areas that cause me concern. Compelling individuals to be vaccinated or delving into their rationale/reasoning for not being vaccinated is very problematic. We are encroaching on EEO statutes when it concerns medical information, disabilities, and religious beliefs. As such, at this time, USMS employees will not be providing their respective vaccination status to the Court.

I know this is not the answer you were looking for; however, it is the approach I must take given the information at hand. Rest assured, the USMS will continue to make sure the function of the courts will continue and in the safest manner.

Very Respectfully,

Daniel C. Mosteller

Daniel C. Mosteller
U.S. Marshal
District of South Dakota

cc:

Chief Judge Lange
Judge Piersol
Judge Schreier
Judge Viken